

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MATTHEW DAVID MILLER,)	
)	
Plaintiff,)	
)	Civil Action No. 15-1605
v.)	
)	
NATIVE LINK CONSTRUCTION,)	
LLC, <i>et al.</i>,)	
)	
Defendants.)	

ORDER

AND NOW, this 17th day of August, 2017, for the reasons set forth in the accompanying Memorandum Opinion, IT IS HEREBY ORDERED that the motion to dismiss filed by defendants Pointguard Financial, PLLC and Nate Riggan (ECF No. 83) is GRANTED insofar as it is premised on a lack of personal jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(2). The motion is DENIED insofar as it is predicated on a lack of subject-matter jurisdiction pursuant to Rule 12(b)(1), and it is DENIED without prejudice to the extent it is asserted pursuant to Rule 12(b)(6). The claims against defendants Pointguard Financial, PLLC and Nate Riggan, as set forth in Counts IV and V of the second amended complaint, are hereby DISMISSED without prejudice to be reasserted in an appropriate venue.

IT IS FURTHER ORDERED that the motion to dismiss filed by defendants Native Link, LLC, Melinda Thompson-Walk and Mitchell Paul Walk for lack of personal jurisdiction (ECF No. 85) is GRANTED with respect to the claim against defendant Native Link, LLC in Count II of the second amended complaint, and that claim is hereby DISMISSED without prejudice to be reasserted in an appropriate venue. The motion is DENIED without prejudice with respect to the claims against defendants Melinda Thompson-Walk and Mitchell Paul Walk in Counts I, II, III,

and V of the second amended complaint. To the extent Native Link Construction, LLC joins in this motion, it is DENIED as moot.

IT IS FURTHER ORDERED that the motion to dismiss filed by defendant Patrick L. Nolan for lack of personal jurisdiction (ECF No. 87) is DENIED without prejudice with respect to the claims against Defendant Patrick L. Nolan in Counts I, II, III, and V of the second amended complaint.

AND IT IS FURTHER ORDERED that the motion to dismiss filed by defendants JP Morgan Chase Bank, N.A. and Kristen Janosick (ECF No. 89) is GRANTED insofar as it is premised on a lack of personal jurisdiction pursuant to Federal Rule of Civil Procedure 12(b)(2). The motion is DENIED insofar as it is predicated on a lack of subject-matter jurisdiction pursuant to Rule 12(b)(1), and it is DENIED without prejudice to the extent it is asserted pursuant to Rule 12(b)(6). The claims against defendants JP Morgan Chase Bank, N.A. and Kristen Janosick, as set forth in Counts VI and VII of the second amended complaint are hereby DISMISSED without prejudice to be reasserted in an appropriate venue. To the extent JP Morgan Chase & Co. joins in this motion, it is DENIED as moot.

/s/ Joy Flowers Conti
Joy Flowers Conti
Chief United States District Judge